

AO 106A (08/18) Application for a Warrant by Telephone or Other Reliable Electronic Means

UNITED STATES DISTRICT COURT

FILED
RICHARD W. NAGEL
CLERK OF COURTfor the
Southern District of Ohio

4/6/21

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)1219 Highland Ave, Dayton, OH 45410
including all outbuildings and curtilage

Case No. 3:21-mj-128

Michael Newman

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WEST. DIV. DAYTON

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

SEE ATTACHMENT A

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

SEE ATTACHEMENT B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 U.S.C. Sections 841 & 846	Distribution of a controlled substance and conspiracy to commit the same
21 U.S.C. Section 843(b)	Use of a communication facility to commit a felony drug offense

The application is based on these facts:
See Attached Affidavit

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature


Joseph L. Rossiter, Postal Inspector, USPIS
Printed name and title

11:02 AM, Apr 6, 2021

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
(spec

Date: 04/06/2021

City and state: Dayton, Ohio



Michael J. Newman
United States Magistrate Judge

dgc



IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN THE MATTER OF THE SEARCH OF : 3:21-mj-128
1219 HIGHLAND AVE, DAYTON, OH : CASE NO. _____
45410 INCLUDING ALL OUTBUILDINGS :
AND CURTILAGE :

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR ANTICIPATORY SEARCH
WARRANT**

I, JOSEPH ROSSITER, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am a United States Postal Inspector, having been so employed since May 2016. I am presently assigned to the Cincinnati Field Office, Pittsburgh Division of the Postal Inspection Service with investigative responsibility for southeast Indiana, and southern Ohio. Your Affiant completed United States Postal Inspection Service Basic Training in May 2016. The training involved narcotic investigation techniques, chemical field tests and training in the detection and identification of controlled substances being transported in the United States Mail. In addition to this formal training, your Affiant has worked since May 2016 with various federal, state and local law enforcement agencies in the investigation of the transportation of illegal drugs and their identification.
2. This affidavit is prepared and submitted in support of an application for an anticipatory search warrant for a residence located at **1219 Highland Ave, Dayton, OH 45410**. **1219 Highland Ave, Dayton, OH 45410** is more fully described in Attachment A and Attachment A is incorporated herein by reference. There is probable cause to believe that evidence of a crime; contraband, fruits of crime, or other items illegally processed; property designed for use

intended for use; or used in committing a crime – namely 21 U.S.C. § 846 (conspiracy to possess with intent to distribute); 21 U.S.C. § 841(a)(1) (possession with intent to distribute a controlled substance); and 21 U.S.C. § 843(b) (use of communication facility to commit felony) – exists and can be found at the residence located at **1219 Highland Ave, Dayton, OH 45410**. A list of the specific items to be seized from the premises described above is attached hereto as Attachment B and Attachment B is incorporated herein by reference. Based on my training and experience, as detailed above I believe that there is probable cause to believe that the items listed in Attachment B will be found at the premises described above.

3. All the details of the investigation are not included in this Affidavit; only information necessary to establish probable cause that evidence associated with the above listed offenses is located at **1219 Highland Ave, Dayton, OH 45410**.

4. Based on my aforementioned training and experience, I am familiar with the modus operandi of persons involved in the illicit distribution of controlled substances and as a result, know the following:

- a. It is common practice for drug traffickers to hide their assets, their addresses, their telephone numbers and beeper/pager services by using other person's names in order to avoid detection by law enforcement officials.
- b. It is common practice for drug traffickers to often maintain residences which are used as “stash houses” or locations for drug storage and distribution and use “nominees” to obtain telephone service, utility service, and other services to hide the true identity of the owner or person who will use that service.
- c. That drug traffickers often place assets in corporate entities in order to avoid detection of those assets by law enforcement officials.
- d. It is common practice, that even though these assets are in nominee names, drug traffickers will continue to utilize these assets by exercising dominion and control over them.

- e. It is common practice that drug traffickers possess large amounts of U.S. Currency in order to finance their ongoing illicit drug business.
- f. It is common practice that drug traffickers maintain books, records, receipts, notes, ledgers, airline tickets, money orders, and other documents relating to the transportation and distribution of drugs. Drug traffickers commonly front (provide drugs on consignment) to their clients. The books, records, receipts, notes, ledgers, and other documents are kept where the drug traffickers have ready access to them.
- g. It is common for drug traffickers to provide false information to law enforcement officials regarding their identity and the address of their actual residence.
- h. It is common that persons involved in drug trafficking conceal from law enforcement in their residences, vehicles, and businesses the following items: drugs, large amounts of currency, financial instruments, jewelry, automobile titles, other items of value and/or proceeds of drug transactions, and evidence of financial transactions relating to the acquisition and concealment of large sums of money resulting from drug trafficking activities.
- i. When drug traffickers amass large proceeds from the sale of drugs, they attempt to hide the true source of these profits, otherwise known as laundering the money. To accomplish this, drug traffickers many times utilize banks and/or financial institutions with their attendant services, including but not limited to, cashier's checks, money drafts, and letters of credit. Other entities used to launder drug proceeds include real estate firms and purported legitimate business fronts.
- j. traffickers commonly travel to facilitate their trafficking activities. After purchasing drugs, traffickers commonly transport, or cause to be transported, drugs to areas in which they will be distributed. Common methods of transportation include, but are not limited to, commercial airlines, U.S. mail, and rental/private automobiles.
- k. It is common practice that drug traffickers commonly maintain books and similar documents which reflect names, addresses, and/or telephone numbers of their associates in the drug trafficking organization. This information can often be stored in cellular phones in places such as the contacts list.
- l. Drug traffickers often take, or cause to be taken, photographs of themselves, their associates, their property and their product, and that the photographs are usually maintained at the residences and/or businesses of drug traffickers. Photographs such as these can commonly be found and stored in cellular phones.
- m. Drug traffickers commonly have in their possession, (that is on their person, at their residence, and/or their business) weapons. Including firearms of various types. Firearms are used to protect and secure a drug trafficker's property which may include, but is not limited to, controlled substances, jewelry, narcotics paraphernalia, books, records, and U.S. Currency.

- n. Drug traffickers frequently maintain hidden compartments within their residence and vehicles to hide drug trafficking evidence (money, ledgers, drugs, etc.), bury evidence in containers such as shoe boxes, or hide the evidence in safes.
- o. The exact quantities, prices, dates, and methods of delivery of drugs are seldom discussed in detailed terms over the telephone. These details are usually agreed upon during face-to-face transactions. For this reason, most telephone conversations regarding drugs are very brief and often in code, understood by the traffickers and designed to mislead or confuse non-participants of the conversations. Drug traffickers make extensive use of cellular phones and text messaging beepers/pagers to facilitate contacting one another. When calling a beeper or text messaging, traffickers commonly input the number that should be called and sometimes add additional instructions in the form of additional digits. The structure of a drug distribution organization usually consists of sources of supply, wholesale distributors, retail distributors, and the ultimate consumers. The wholesale distributors often have more than one source of supply, and likewise the retail distributors often obtain drugs from more than one wholesale distributor. After receiving a quantity of drugs, the source of supply will often move the drugs to a location other than where he/she sells them to the wholesale distributors.
- p. Evidence of past communication between drug traffickers can be found in saved or deleted text messages, call logs, and other forms of electronic communication occurring over, stored in, or accessed by the cellular phone

INVESTIGATION

5. On April 2, 2021, I intercepted a package (hereinafter “the Package”) at the Cincinnati Network Distribution Center (NDC). The Package is a Priority Mail flat rate box, bearing tracking number 9505513818781088460625, postmarked March 29, 2021, with the following address information “Michael White O. 1219 Highland Ave. Dayton, OH 45410” with a return address of “Rudy OCeJo 1840 S. Gearhart St fresno, CA93702.”

6. I performed a check in CLEAR database for the addressee’s information on the Package of “Michael White O. 1219 Highland Ave. Dayton, OH 45410.” CLEAR is a law enforcement database that is used as a tool for investigators to identify person/business and

address information. According to CLEAR, there is no “Michael White” or “Michael White O.” associated with 1219 Highland Ave, Dayton, OH 45410.

7. I also performed a check in CLEAR for the sender’s information listed on the Package of “Rudy OCeJo 1840 S. Gearhart St fresno, CA93702.” According to CLEAR, there is a “Rudy Ocejó” associated with 1840 Gearhart St, Fresno, CA 93702.

8. On April 2, 2021 a federal search warrant was obtained which was then executed on the Package. Upon opening the Package, it was found to contain bubble wrap, and a grey utility box wrapped in clear plastic wrap. Inside the utility box was a vacuum sealed bag wrapped in clear plastic wrap containing approximately 737 grams of blue/green pills stamped with “M” and “30” which is consistent with oxycodone M/30 pills. Through law enforcement training and experience as a Postal Inspector, I know that those that traffic in fentanyl will conceal its identity by pressing into to pill form and stamping them consistent with M/30 oxycodone. A sample of the pills has been provided to the Miami Valley Regional Crime Lab for testing to confirm law enforcements belief. Fentanyl is a Schedule II controlled substance, and oxycodone is also a Schedule II substance.

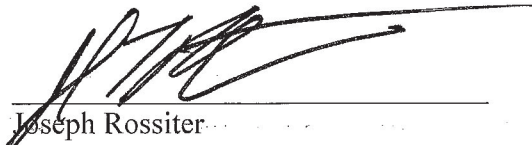
9. Through my training and experience, I am aware that fentanyl and oxycodone are dangerous narcotics. As such, a pseudo substance (“sham”) will be placed in the Package prior to attempting a delivery of the Package.

10. On or about April 5, 2021 I will arrange for the Package to be delivered to **1219 Highland Ave, Dayton, OH 45410**, by a United States Postal Inspector posing as a United States Letter Carrier. Upon delivery of the Package and the Package taken into **1219 Highland Ave, Dayton, OH 45410** the search warrant will be executed. Furthermore, if the

Package is transferred to any vehicle or other property located within this Court's jurisdiction, this order authorizes law enforcement to make entry into the residence to secure government equipment and evidence (the Package) as well as secure the location until an application for a new warrant can be obtained. The search warrant will be executed if, and only if, someone secures the Package and takes the Package into the residence located at **1219 Highland Ave, Dayton, OH 45410.**

CONCLUSION

11. Based upon the facts set forth in this Affidavit, there is probable cause to believe that if the Package is delivered and taken into the aforementioned location, evidence of a crime; contraband, fruits of crime, or other items illegally processed; property designed for use intended for use; or used in committing a crime - namely 21 U.S.C. § 846 (conspiracy to possess with intent to distribute); 21 U.S.C. § 841(a)(1) (possession with intent to distribute a controlled substance); and 21 U.S.C. § 843(b) (use of communication facility to commit felony)- exists and can be found at the residence located at **1219 Highland Ave, Dayton, OH 45410.**




Joseph Rossiter
Postal Inspector
United States Postal Inspection Service


Subscribed and sworn to before me this _____ day of April, 2021.

11:02 AM, Apr 6, 2021

Via electronic means



Michael J. Newman
United States Magistrate Judge



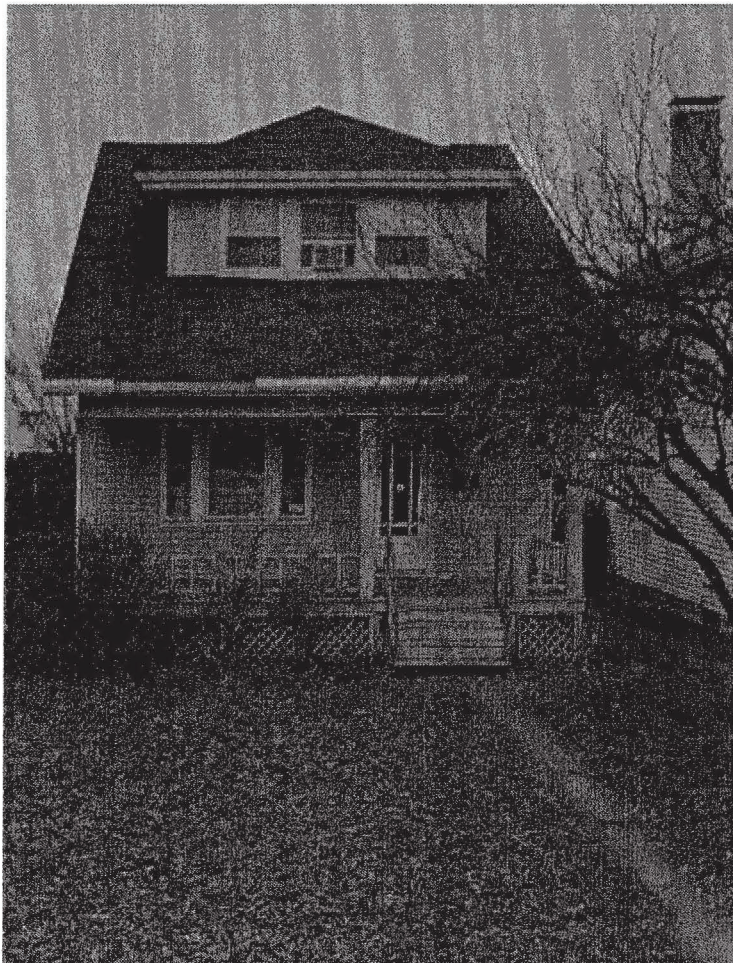
ATTACHMENT "A"

Description of person(s) and place to be searched

Based on the facts detailed in affidavit, the Affiant believes probable cause exists to search the following person(s) and place:

1. 1219 Highland Ave, Dayton, OH 45410;
2. Furthermore, if the Package is transferred to any vehicle or other property located within this court's jurisdiction, this order authorizes law enforcement to make entry into the location to secure/retrieve government equipment and evidence as well as secure location until an application for a new search warrant for the new location can be made.

The place to be searched is a single family style home, with a grey roof, white and grey exterior, and a white storm door, with numbers 1219 on the left post of the front porch. Photo of **1219 Highland Ave, Dayton, OH 45410.**



Attachment "B"

The items to be searched for and seized are evidence, contraband, fruits of crime, and other items illegally possessed, as well as property designed for use, intended for use, relating to violations of 21 U.S.C. §§ 841(a)(1), 843(b), and 846 including, but not limited to:

- A. Log books, records, payment receipts, notes, and/or customer lists, ledgers, telephone numbers and other papers or electronic records relating to the transportation, ordering, purchasing, processing, and distribution of controlled substances, including information reflecting transactions for the purchase/sale of narcotics.
- B. Papers, tickets, notices, credit card receipts, wire transfer receipts, travel schedules, travel receipts, passports, and/or records, and other items relating to domestic and foreign travel to obtain and distribute narcotics and narcotics proceeds, including, but not limited to airline receipts, vehicle rental receipts, credit card receipts, travel schedules, diaries, hotel receipts, truck logs, travel agency vouchers, notes, records of long distance telephone calls, e-mail, calendars and other correspondence.
- C. Address and/or telephone books and papers reflecting names, e-mail and physical addresses and/or telephone numbers of individuals, partnerships, or corporations involved in drug trafficking and money laundering.
- D. Financial records, financial statements, receipts, statements of accounts and related bank records, money, drafts, letters of credit, money orders and cashier's checks receipts, passbooks, bank checks, escrow documents, and other items evidencing the obtaining, secreting, transfer, and/or concealment of assets and the obtaining, secreting, transferring, concealment, and/or expenditure of money.
- E. Electronic equipment such as pagers, computers, Computer systems, cell phones, PDA devices including hardware, software, data contained in the main unit, printers, external modems, monitors, fax machines and/or other external attachments, electronic organizers, facsimile machines, cellular telephones, caller ID, telephone answering machines, police scanners and two-way radios.
- F. United States currency, precious metals, coins, bullion, jewelry, and financial instruments, including, but not limited to stocks and bonds.
- G. Photographs and/or photographic albums or video tapes and recordings of houses and other real estate, automobiles, and of other assets, persons, and/or controlled substances.
- H. Indicia of occupancy, residency, and/or ownership of the premises and vehicles including, but not limited to utility and telephone bills, canceled envelopes, keys, deeds, tax bills, titles, and vehicle registrations.

- I. Illegal drugs, such as fentanyl or oxycontin, and other materials, paraphernalia and/or equipment and tools used in the drug trade.
- J. Firearms or ammunition.

ATTACHMENT "C"

If someone secures the Package and takes the Package into **1219 Highland Ave, Dayton, OH 45410**, the search warrant will be executed. The search warrant will be executed if, and only if, someone secures the Package and take the Package into the residence located **1219 Highland Ave, Dayton, OH 45410**. Furthermore, if the Package is transferred to any vehicle or other property located within this Court's jurisdiction, this order authorizes law enforcement to make entry into the residence to secure government equipment and evidence (the Package) as well as secure the location until an application for a new warrant can be obtained.